

ESTTA Tracking number: **ESTTA613528**

Filing date: **07/02/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following parties oppose registration of the indicated application.

Opposers Information

Name	Team Self-Esteem Cheerleading LLC
Granted to Date of previous extension	07/05/2014
Address	22109 Ellinwood Drive Torrance, CA 90503 UNITED STATES

Name	Stephanie Pulliam
Granted to Date of previous extension	07/05/2014
Address	22109 Ellinwood Drive Torrance, CA 90503 UNITED STATES
Party who filed Extension of time to oppose	StephaniePulliam
Relationship to party who filed Extension of time to oppose	Opposer's name was misidentified by mistake due to a typographical error omitting the space between Opposer's first and last names.

Attorney information	Kevin W. Isaacson Tingley Law Group, PC 10 Almaden Boulevard, Suite 430 San Jose, CA 95113 UNITED STATES kisaacson@tingleylawgroup.com, lthomas@tingleylawgroup.com Phone:(408) 283-7000
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Applicant Information

Application No	86142683	Publication date	05/06/2014
Opposition Filing Date	07/02/2014	Opposition Period Ends	07/05/2014
Applicant	Koenig, Amy 942 S. Dylan Way Anaheim, CA 92808 UNITED STATES		

Goods/Services Affected by Opposition

Class 041. First Use: 2010/06/11 First Use In Commerce: 2010/06/11

All goods and services in the class are opposed, namely: Education services, namely, providing classes and instruction in the field of dance; Entertainment services, namely, cheerleading

Grounds for Opposition

The mark is merely descriptive	Trademark Act section 2(e)(1)
<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Genericness	Trademark Act section 23

Related Proceedings	Amy Koenig v. Stephanie Pulliam and Team Self-Esteem Cheerleading LLC (Case No. 14-CV-00117-FMO-RNBx; Central District of California)
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Attachments	Notice of Opposition.pdf(359356 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Kevin W. Isaacson/
Name	Kevin W. Isaacson
Date	07/02/2014

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Trademark Application No. 86/142,683
For the Trademark: TEAM SELF-ESTEEM
Published in the Official Gazette on May 6, 2014

TEAM SELF-ESTEEM CHEERLEADING,
LLC; STEPHANIE PULLIAM,

Opposers,

v.

AMY KOENIG,

Applicant.

Opposition No.

NOTICE OF OPPOSITION

Opposers TEAM SELF-ESTEEM CHEERLEADING, LLC (hereinafter “CHEERLEADING LLC”) and STEPHANIE PULLIAM (hereinafter “PULLIAM”) (CHEERLEADING LLC and PULLIAM are hereinafter referred to collectively as “Opposers”), by and through their attorneys, Tingley Law Group, PC, believe that they will be damaged by the registration of the trademark TEAM SELF-ESTEEM as shown in the above-referenced trademark application and hereby oppose the registration of the trademark TEAM SELF-ESTEEM filed by Applicant Amy Koenig (“Applicant”). As grounds for opposition, Opposers allege that:

1. Applicant has filed an application for registration of the mark TEAM SELF-ESTEEM in International Class 41 for goods and services described as “Education services, namely, providing classes and instruction in the field of dance; Entertainment services, namely, cheerleading” (the “Trademark Application”).

2. This application was published for opposition on May 6, 2014, and Opposers have timely filed for, and the Trademark Trial and Appeal Board has granted, an extension of time to file an opposition to the registration of the TEAM SELF-ESTEEM trademark until July 5, 2014.

3. Opposers are informed and believe, and thereon allege, that Applicant is an

individual residing at 942 S. Dylan Way, Anaheim, California 92808.

4. PULLIAM is an individual residing at 22109 Ellinwood Drive, Torrance, California 90503. PULLIAM has provided educational cheerleading classes focused on the development and strengthening of self-esteem in all participants.

5. CHEERLEADING LLC is a Limited Liability Company, organized under the laws of the State of California, located and doing business at 22109 Ellinwood Drive, Torrance, California 90503. CHEERLEADING LLC provides educational cheerleading classes focused on the development and strengthening of self-esteem in all participants.

5. Opposers use, and/or have used, the terms TEAM and/or SELF-ESTEEM in connection with their cheerleading education services.

6. The terms “TEAM” and “SELF-ESTEEM”, both individually and collectively, are generic terms in the industry. TEAM is a group of people who work together. Cheerleading is often accomplished in teams. Therefore, “team” merely describes the type of cheerleading that is being offered. SELF-ESTEEM is a feeling of having respect for one’s self and one’s abilities. One focus of cheerleading is to build the participants’ self-esteem. This idea is found in many commentaries on the subject, which identify building self-esteem as a possible primary objective of cheerleading. Thus, the use of “self-esteem” in connection with cheerleading does not serve to identify a source, but rather to describe the focus of the cheerleading program. Use of the basic terms “TEAM” and “SELF-ESTEEM” in connection with cheerleading is not inherently distinctive and Applicant should not be granted a monopoly over the use of these words which many already use to describe cheerleading.

7. Applicant’s “TEAM SELF-ESTEEM” mark, if used in connection with “Education services, namely, providing classes and instruction in the field of dance; Entertainment services, namely, cheerleading” would be generic, or, at most, descriptive of such services.

8. If Applicant obtains the registration herein opposed, she would obtain a *prima facie* exclusive right to use of the TEAM SELF-ESTEEM mark. Such registration would be a

source of damage and injury to Opposers (and others) who currently use, or will use, the generic or descriptive designations “TEAM” and/or “SELF-ESTEEM” to describe their own products, since it may subject them to an infringement suit or even a bar from using these basic terms to describe the goods and services offered.

9. Registration should, therefore, be refused pursuant to Section 2(e)(1) of the Trademark Act of 1946, as amended, 15 U.S.C. § 1052(e)(1), on the grounds that Applicant’s TEAM SELF-ESTEEM mark is a generic term, or, at best, a merely descriptive mark.

10. On information and belief, Applicant has also failed to use the mark TEAM SELF-ESTEEM on all of the goods and/or services for which she seeks registration. Specifically, on information and belief, Applicant is not using the mark TEAM SELF-ESTEEM in connection with “Entertainment services, namely, cheerleading” as she has claimed in her application. Because Applicant’s identification of goods and services for registration contains false statements, Registration should be refused.

WHEREFORE, Opposers respectfully request that the Board sustain this opposition and deny the application for the registration of the TEAM SELF-ESTEEM mark.

Opposers appoint as their attorneys in this proceeding Curtis R. Tingley, Stephen D. Collins, and Kevin W. Isaacson of the firm, Tingley Law Group, PC, 10 Almaden Boulevard, San Jose, California 95113, to whom all correspondence in this proceeding should be addressed.

Dated: July 2, 2014

Respectfully Submitted,

/Kevin W. Isaacson/

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Attorneys for Opposers
TEAM SELF-ESTEEM CHEERLEADING, LLC
and STEPHANIE PULLIAM

CERTIFICATE OF SERVICE

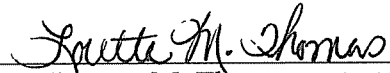
I HEREBY CERTIFY that on July 2, 2014, I caused to be served by first-class mail, with postage thereon fully prepaid, a copy of the foregoing document, **NOTICE OF OPPOSITION**, Serial No. 86/142,683, upon the following:

Amy Koenig
942 S. Dylan Way
Anaheim, California 92808-1515
[Applicant]

Ian A. Stewart, Esq.
WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER
555 South Flower Street, Suite 2900
Los Angeles, California 90071-2407

I declare under penalty of perjury that the above is true and correct.

Executed on July 2, 2014, at San Jose, California.



Loretta M. Thomas, CCLS